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June 13, 2012

17321.00053

VIA FACSIMILE

Chambers of Hon. Cathy Seibel
United States District Judge
The Hon. Charles L. Brieant Jr.
Federal Building and Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

Re: *Schlenger v. IBM Corporation and Gary Lipson*
No. 09-CV-3986 (CS)

Your Honor:

We represent the defendants. We write to address and clarify inaccuracies in Plaintiff's counsel Lisa Lipman's letter to Your Honor of last evening.

On May 31, 2012, Your Honor ordered Plaintiff to return IBM's laptop. (Order, Dkt. #100.) As we informed Your Honor by letter yesterday, Plaintiff has ignored the Order and refuses to return IBM's property.

Plaintiff's excuse for not complying with the Order appears to be that IBM did not respond to a June 8, 2012 letter from Ms. Lipman's co-counsel, Gail Auster, regarding IBM's document production. The parties have not even met and conferred yet with respect to any issues Plaintiff has with IBM's document production, as required by the Court's rules. Plaintiff has no right to engage in self-help by disregarding the Order directing her to return IBM's laptop simply to gain some perceived leverage in a discovery dispute that is far from ripe.

Respectfully submitted,



Allan S. Bloom
of PAUL HASTINGS LLP

Attachment

cc: Gail I. Auster, Esq.
Lisa Ruth Lipman, Esq.
Attorneys for Plaintiff

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client name: *Schlenger v. Fidelity Employer
Servs. Co. LLC, et al.* **client matter number:** 17321.00053
No. 09-CV-3986 (CS)

date: June 13, 2012 **pages (with cover):** 2

comments:

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